

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STATE OF NEVADA,

Plaintiff

v.

ARAH MUABA BEY,

Defendant

Case No.: 2:21-cv-00460-APG-NJK

Order Remanding Case

Defendant Arah Muaba Bey attempted to remove this traffic case from the Las Vegas Municipal Court. ECF No. 1. Federal district courts are courts of limited jurisdiction, deriving their power to hear cases from specific congressional grants of jurisdiction. *U.S. v. Sumner*, 226 F.3d 1005, 1009 (9th Cir. 2000). A traffic citation in Las Vegas Municipal Court is based on state law, so there is no federal question jurisdiction. *See* 28 U.S.C. § 1331 (granting federal district court jurisdiction over “all civil actions arising under the Constitution, laws, or treaties of the United States”).

Under 28 U.S.C. § 1332, federal district courts have original jurisdiction over civil actions in diversity cases “where the matter in controversy exceeds the sum or value of \$75,000” and where the matter is between “citizens of different States.” There is no basis to conclude the plaintiff is seeking more than \$75,000 for a traffic ticket. Nor does there appear to be sufficient diversity of citizenship.

To the extent Bey is asserting defenses or counterclaims for alleged constitutional violations in the state court action, that does not give this court subject matter jurisdiction for removal purposes. *See Marin Gen. Hosp. v. Modesto & Empire Traction Co.*, 581 F.3d 941, 949 (9th Cir. 2009) (federal defense cannot support removal); *Takeda v. Nw. Nat. Life Ins. Co.*, 765

1 F.2d 815, 822 & n.9 (9th Cir. 1985) (“The federal question defendants raise in their
2 counterclaims does not provide a basis for removal.”). I therefore remand this case to state court.

3 I THEREFORE ORDER that this case is remanded to Las Vegas Municipal Court for
4 all further proceedings. The clerk of court is instructed to close this case.

5 DATED this 23rd day of March, 2021.

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8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
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